

**BEFORE THE
FEDERAL MARITIME COMMISSION**

Docket No. 16-01

**CARGO AGENTS, INC., INTERNATIONAL TRANSPORT
MANAGEMENT CORP., and RCL AGENCIES, INC.,
on behalf of themselves and all others similarly situated,**

Complainants,

v.

**NIPPON YUSEN KABUSHIKI KAISHA, NYK LINE (NORTH AMERICA) INC.,
MITSUI O.S.K. LINES, LTD., MITSUI O.S.K. BULK SHIPPING (USA) INC.,
WORLD LOGISTICS SERVICE (U.S.A.) INC., KAWASAKI KISEN KAISHA, LTD.,
“K” LINE AMERICA, INC., EUKOR CAR CARRIERS INC.,
WALLENIUS WILHELMSSEN LOGISTICS AS, WALLENIUS WILHELMSSEN
LOGISTICS AMERICAS LLC, COMPAÑÍA SUD AMERICANA DE VAPORES S.A.,
CSAV AGENCY NORTH AMERICA, LLC, HÖEGH AUTOLINERS HOLDINGS AS,
HÖEGH AUTOLINERS AS, HÖEGH AUTOLINERS, INC., AUTOTRANS AS,
ALLIANCE NAVIGATION LLC, and NISSAN MOTOR CAR CARRIER CO., LTD.**

Respondents.

**RESPONDENTS’ STATUS REPORT IN RESPECT OF
THEIR CONSOLIDATED MOTION TO STAY PROCEEDINGS**

Specially Appearing Respondents Nippon Yusen Kabushiki Kaisha and NYK Line (North America Inc. (collectively, “NYK”), EUKOR Car Carriers Inc. (“EUKOR”), Wallenius Wilhelmsen Logistics AS and Wallenius Wilhelmsen Logistics Americas LLC, (collectively, “WWL”), Compañía Sud Americana de Vapores S.A. and CSAV Agency North America, LLC (collectively, “CSAV”), Höegh Autoliners Holdings AS, Höegh Autoliners AS, Höegh Autoliners, Inc., Autotrans AS and Alliance Navigation LLC (collectively, “Höegh”) (NYK, EUKOR, WWL, CSAV and Höegh collectively are referred to as the “Specially Appearing

Respondents”), and Respondents Mitsui O.S.K. Lines, Ltd., Mitsui O.S.K. Bulk Shipping (USA) Inc., World Logistics Service (U.S.A.) Inc. and Nissan Motor Car Carrier Co., Ltd. (collectively “MOL”) and Kawasaki Kisen Kaisha, Ltd., and “K” Line America, Inc. (collectively, “K’ Line”), by and through their respective undersigned counsel, respectfully submit the following status report in respect of their pending consolidated motion to stay proceedings.

1. By an order dated April 25, 2016, the United States District Court for the District of New Jersey denied both the motion for reconsideration and motion to vacate judgment filed by the indirect purchaser plaintiffs in respect of the Court’s August 28, 2015 opinion and order dismissing with prejudice the consolidated class action complaints filed by all plaintiffs in the multi-district litigation titled *In re Vehicle Carrier Services Antitrust Litigation*, Case No. 13-cv-3306 (ES) (JAD), MDL No. 2471; a true and correct copy of that order is attached to this status report as **Exhibit “A”** and is made a part hereof by reference.

2. As a result, on April 26, 2016, the Clerk of the United States Court of Appeals for the Third Circuit issued a briefing and scheduling order that requires that (a) the brief for Appellants and the joint appendix be filed on or before June 6, 2016; (b) the brief(s) for Appellee(s) in opposition be filed within thirty days of service of Appellants’ brief; and (c) a reply brief, if any, be filed within fourteen days of service of the brief(s) for Appellee(s) in opposition; a true and correct copy of that briefing and scheduling order is attached hereto as **Exhibit “B”** and is made a part hereof by reference.

DATED: May 11, 2016

Respectfully submitted,



Roberto A. Rivera-Soto

Stephen J. Kastenberg

Jason A. Leckerman

BALLARD SPAHR LLP

A PENNSYLVANIA LIMITED LIABILITY PARTNERSHIP

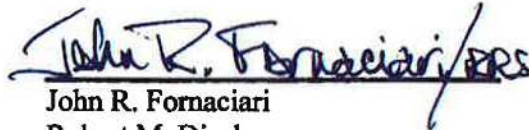
210 Lake Drive East – Suite 200

Cherry Hill, New Jersey 08002-1163
Telephone: (856) 761-3400
rivasator@ballardspahr.com
kastenbergl@ballardspahr.com
leckermanj@ballardspahr.com

Benjamin F. Holt
HOGAN LOVELLS US LLP
Columbia Square
555 Thirteenth St., N.W.
Washington, D.C. 20004
Telephone: (202) 637-5600
benjamin.holt@hoganlovells.com

Paul Heylman
Matthew J. Antonelli
SAUL EWING LLP
1919 Pennsylvania Avenue, N.W., Suite 550
Washington, D.C. 20006
Telephone: (202) 342-3422
pheyman@saul.com
mantonelli@saul.com

*Counsel for Specially Appearing Respondents
Wallenius Wilhelmsen Logistics AS, Wallenius
Wilhelmsen Logistics America LLC, and EUKOR
Car Carriers, Inc.*

A handwritten signature in blue ink that reads "John R. Fornaciari/RS". The signature is written in a cursive, flowing style.

John R. Fornaciari
Robert M. Disch
BAKER & HOSTETLER LLP
1050 Connecticut Ave., NW
Suite 1100
Washington, D.C. 20036
Telephone: 202-861-1612
jfornciari@bakerlaw.com
rdisch@bakerlaw.com

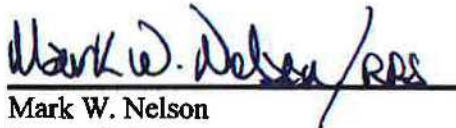
*Counsel for Specially Appearing Respondent
Nippon Yusen Kabushiki Kaisha and NYK Line
North America Inc.*

/RPS

Jeffrey F. Lawrence
Wayne Rohde
COZEN O'CONNOR PC
1200 Nineteenth St., NW
Washington, D.C. 20036
Telephone: 202-912-4800
jlawrence@cozen.com
wrohde@cozen.com

Melissa H. Maxman
COHEN & GRESSER LLP
1707 L Street, NW – Suite 550
Washington, D.C. 20036
Telephone: 202-851-2071
mmaxman@cohengresser.com

*Counsel for Specially Appearing Respondents
Höegh Autoliners AS and
Höegh Autoliners, Inc.*

/RPS

Mark W. Nelson
Jeremy J. Calsyn
CLEARY GOTTlieb STEEN & HAMILTON LLP
2000 Pennsylvania Avenue, NW
Washington, D.C. 20006
Telephone: 202-974-1500
mnelson@cgsh.com
jcalsyn@cgsh.com

*Counsel for Respondents
Kawasaki Kisen Kaisha, Ltd. and
"K" Line America, Inc.*

/RPS

James L. Cooper
Anne P. Davis
Adam M. Pergament
ARNOLD & PORTER LLP
555 Twelfth Street, N.W.
Washington, D.C. 20004-1206
Telephone: (202) 942-5000
james.cooper@aporter.com

anne.davis@aporter.com
adam.pergament@aporter.com

Eric C. Jeffrey
Robert B. Yoshitomi
NIXON PEABODY LLP
799 Ninth Street, NW – Suite 500
Washington, D.C. 20001-4501

Counsel for Respondents
Mitsui O.S.K. Lines, Ltd., Mitsui O.S.K. Bulk
Shipping (U.S.A.), Inc., World Logistics Service
(U.S.A.) Inc., and Nissan Motor Car Carrier Co.,
Ltd.

A handwritten signature in blue ink that reads "Steven F. Cherry" followed by a stylized flourish that looks like "ERS".

Steven F. Cherry
Todd F. Braunstein
WILMER, CUTLER, PICKERING,
HALE & DORR LLP
1875 Pennsylvania Avenue, NW
Washington, D.C. 20006
Telephone: (202) 663-6000
Steven.Cherry@wilmerhale.com
Todd.Braunstein@wilmerhale.com

Counsel for Specially Appearing Respondents
Compañía Sud Americana de Vapores, S.A. and
CSAV Agency, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of May, 2016, a true and correct copy of the foregoing status report was served, via electronic mail and via first-class mail, postage prepaid, on:

Edward D. Greenberg
David K. Monroe
GKG LAW, P.C.
The Foundry
1055 Thomas Jefferson Street, NW – Suite 500
Washington, DC 20007-4492
egreenberg@gkglaw.com
dmonroe@gkglaw.com

Kit A. Pierson
David A. Young
COHEN MILSTEIN SELLERS & TOLL PLLC
110 New York Ave., NW – Suite 500
Washington, DC 20005
kpierson@cohenmilstein.com
dyoung@cohenmilstein.com

Robert N. Kaplan
Richard J. Kilsheimer
Gregory K. Arenson
Joshua H. Saltzman
KAPLAN FOX & KILSHEIMER LLP
850 Third Ave. – 14th Floor
New York, NY 10022
rkaplan@kaplanfox.com
rkilsheimer@kaplanfox.com
garenson@kaplanfox.com
jsaltzman@kaplanfox.com

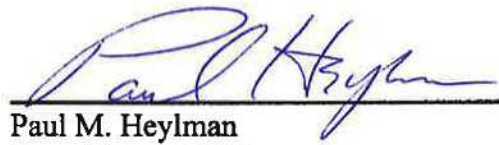
Lewis H. Goldfarb
McELROY, REUTSCH, MULVANEY & CARPENTER, LLP
1300 Mout Kimble Avenue
P.O. Box 2075
Morristown, NJ 07962
lgoldfarb@mdmc-law.com

Steven A. Kanner
Michael J. Freed

Michael E. Moskowitz
FREED KANNER LONDON & MILLEN LLC
2201 Waukegan Road – Suite 130
Bannockburn, IL 60015
skanner@kaplanfox.com
mfreed@kaplanfox.com
mmoskovita@kaplanfox.com

Solomon B. Cera
C. Andrew Dirksen
CERA LLP
595 Market Street – Suite 2300
San Francisco, CA 94105
scera@cerallp.com
cdirksen@cerallp.com

Counsel for Complainants



Paul M. Heylman
SAUL EWING LLP

EXHIBIT “A”

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE VEHICLE CARRIER
SERVICES ANTITRUST
LITIGATION**

This Document Relates to All Actions

**Civil Action No.: 13-3306 (ES) (JAD)
(MDL No. 2471)**

ORDER

Before the Court are the Indirect Purchaser Plaintiffs' ("IPPs") motion for reconsideration, (D.E. No. 278), and motion under Rule 60(b), (D.E. No. 299). For the reasons in the accompanying Memorandum Opinion,

IT IS on this **25th day of April 2016**,

ORDERED that IPPs' motion for reconsideration, D.E. No. 278, is DENIED; and it is further

ORDERED that IPPs' motion under Rule 60(b), D.E. No. 299, is DENIED.

s/Esther Salas
Esther Salas, U.S.D.J.

EXHIBIT “B”

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 15-3353, 15-3354 & 15-3355

In re: Vehicle Carrier Service

(District Court No(s). 2-13-cv-3306 & MDL 2471)

BRIEFING AND SCHEDULING ORDER

Attorneys are required to file all documents electronically. See 3d Cir. L.A.R. 113 (2008) and the Court's CM/ECF website at www.ca3.uscourts.gov/ecfwebsite.

It is **ORDERED** that the brief for Appellant(s) and the joint appendix shall be filed and served on or before **06/06/2016**.

It is **FURTHER ORDERED** that the brief(s) for Appellee(s) shall be filed and served within thirty (30) days of service of Appellant's (Appellants') brief.

It is **FURTHER ORDERED** that a reply brief, if any, shall be filed and served within fourteen (14) days of service of Appellee's (Appellees') brief(s).

It is **FURTHER ORDERED** that in the event of default by Appellant in filing the brief and appendix as directed, the appeal may be dismissed without further notice.

It is **FURTHER ORDERED** that if Appellee fails to file a brief within the time directed, the matter will be listed on Appellant's brief only and Appellee may be subject to such sanctions as the Court deems appropriate.

It is noted that, where applicable, parties must comply with 3rd Cir. LAR 31.2 which provides: A local, state or federal entity or agency, which was served in the district court and which is the appellee, must file a brief in all cases in which a briefing schedule is issued unless the court has granted a motion seeking permission to be excused from filing a brief. The rule does not apply to entities or agencies that are respondents to a petition for review unless the entity or agency is the sole respondent or to entities or agencies which acted solely as an adjudicatory tribunal.

This Court requires the filing of briefs by counsel in both electronic and paper format. 3rd Cir. LAR 31.1(b). Pro Se litigants are exempt from the electronic filing requirement. **Parties must file 7 copies of the briefs; pro se parties who are proceeding in forma pauperis may file only 4 copies. Costs for additional copies will be permitted only if the Court directs that additional copies be filed.** Pursuant to 3rd Cir. LAR 30.1(a), counsel must electronically file the appendix in accordance with LAR Misc. 113.

Checklists regarding the requirements for filing a brief and appendix are available on the Court's website at www.ca3.uscourts.gov.

For the Court,



Marcia M. Waldron, Clerk

Dated: April 26, 2016

JK/cc: Todd F. Braunstein, Esq.
Warren T. Burns, Esq.
Jeremy J. Calsyn, Esq.
Steven F. Cherry, Esq.
Jonathan W. Cuneo, Esq.
John R. Fornaciari, Esq.
Benjamin F. Holt, Esq.
Steven A. Kanner, Esq.
Robert N. Kaplan, Esq.
Stephen J. Kastenberg, Esq.
Jason A. Leckerman, Esq.
Wayne A. Mack Jr., Esq.
Melissa H. Maxman, Esq.
Mark W. Nelson, Esq.
James M. Parks, Esq.
Peter S. Pearlman, Esq.
Adam M. Pergament, Esq.
Kit A. Pierson, Esq.
Roberto A. Rivera-Soto, Esq.
Andrew R. Sperl, Esq.
Ryan D. Tansey, Esq.

**STANDING ORDER REGARDING MOTIONS TO EXCEED THE PAGE
LIMITATIONS OF THE FEDERAL RULES OF APPELLATE PROCEDURE**

Effective Immediately

PRESENT: McKEE, **Chief Judge**, and SLOVITER, SCIRICA, RENDELL, AMBRO, FUENTES, SMITH, FISHER, CHAGARES, JORDAN, HARDIMAN, GREENAWAY, JR, VANASKIE, ALDISERT, WEIS, GARTH, STAPLETON, GREENBERG, COWEN, NYGAARD, ROTH, BARRY, and VAN ANTWERPEN, **Circuit Judges**

AND NOW, it being noted that motions to exceed the page/word limitations for briefs are filed in approximately twenty-five percent of cases on appeal, and that seventy-one percent of those motions seek to exceed the page/word limitations by more than twenty percent;

Notice is hereby given that motions to exceed the page or word limitations for briefs are strongly disfavored and will be granted only upon demonstration of extraordinary circumstances. Such circumstances may include multi-appellant consolidated appeals in which the appellee seeks to file a single responsive brief or complex/consolidated proceedings in which the parties are seeking to file jointly or the subject matter clearly requires expansion of the page or word limitations.

Accordingly, it is **ORDERED** that a three-judge Standing Motions Panel is hereby appointed to rule on all motions to exceed the page/word limitations for briefs since the page/word limitations, prescribed by Fed. R. App. P. 32(a)(7), should be sufficient to address all issues in an appeal.

It is further **ORDERED** that Counsel are advised to seek advance approval of requests to exceed the page/word limitations whenever possible or run the risk of rewriting and refile a compliant brief. Any request to exceed page/word limitations submitted in the absence of such an advance request shall include an explanation of why counsel could not have foreseen any difficulty in complying with the limitations in time to seek advance approval from the panel.

This order shall not apply to capital habeas cases.



Date: January 9, 2012

Marcia M. Waldron

Marcia M. Waldron, Clerk

By the Court,

/s/ Theodore A. McKee
Chief Judge